The following is a translation of a section of Martin Luther's *Dialectica* (*ca*. 1540) dedicated to analyzing matrimony. It has been selected for translation because of its relevance to the continuous discourses of our own time on what marriage is and who may engage in it. Within these few pages of a work written for his son, Hans, Luther sets forth the four causes as a framework for working with matrimony: (1) The Formal Cause, that is, "What is it?", (2) The Material Cause, that is, "What does it consist of?", (3) The Essential Cause, that is, "Who instituted it?", and (4) The Final Cause, that is, "Why does it exist?" This method, he asserts, is appropriate for youths' first approach to dialectics and touches on the essentials of the discipline.

The Latin text is from Löscher's 1726 edition which may be found edited in *D. Martin Luthers Werke, Kritische Gesamtausgabe* (WA) 60, 151-154.

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Subiiciam aliud expemplum de matrimonio. Iureconsulti distinguunt esse matrimonium initiatum, ubi vel verbis de futuro vel praesenti contrahitur, et consummatum, quando publicis et sole[m]nibus ceremoniis, nuptiis confirmatum est.

I will highlight another example, concerning matrimony. Jurists distinguish that there is initiated matrimony, where it is contracted either by vows concerning the future or present, and consummated matrimony, when it has been confirmed with a wedding with the common, ritual ceremonies.

Definiturus igitur matrimonium verum primum cogitet ex praedicabilibus de genere. Est autem genus matrimonii ius. Ius est constitutio seu ordinatio iusta. Igitur ad iustitiam pertinet. Iustitia est virtus seu honestum quiddam conveniens verbo DEI aut rationi aut positivis legibus. Virtus est habitus intellectus. Hic habitus in praedicamentis est qualitas. Qualitates, si ad causas referantur, sunt formae. Eae sunt accidentia. Quamvis autem ius per se est ordinatio DEI vel bonum, sed tamen, cum de matrimonio quaerimus, non de idea quaerimus aut de abstracto, sed de iure matrimonii in subiecto.

Therefore, let one about to define true matrimony first ponder its *genus* from the predicables. And the *genus* of matrimony is *ius*.[1] *Ius* is a just arrangement or ordinance. Therefore, it pertains to justice. Justice is something virtuous or upright which accords with the word of God, or with reason, or with positive laws. Virtue is a habit of the intellect. This habit is a quality in the categories. Qualities, if related to the causes, are forms. These are accidents. Although *ius per se* is an ordinance of God or good, nevertheless, when we investigate matrimony, we do not investigate the ideal or the abstract, but the *ius* of matrimony in subject.

Nunc igitur per omnes causas hoc simplex thema excutiemus. Prudentes homines certis de causis ad relationis praedicamentum referunt. Alii habent certas methodi quaestiones. Sed de eadem re diversi diversis modis loquuntur, qui tamen omnes eodem recidunt, ad unum ac scopum colliniant et Dialectici et Rhetores, nisi quod illi nudas lineas proponunt, hi addunt colores et parerga.

Therefore, now we will examine this simple thesis through all the causes. Sensible men relay [the thesis] from what is fixed concerning the causes to the category of relation. Others have fixed questions of method. But various people speak about the same thing in various ways, who all, nevertheless, revert to the same thing; both dialecticians and rhetoricians aim at one and the same, except that the former propose bare lines, the latter add colors and balance.

An sit matrimonium, iudicatur ex verbu DEI, ratione, legibus. Quid sit, explicatur ex causis, quas etiam in verbo DEI, lege naturali, in Ethicis et in scripto iure certa quaedam methodo cogitando conquirimus. In accidentibus primum de forma cogitamus. Est igitur causa formalis matrimonii coniunctio legitima, indissolubilis. Hae particulae explicandae sunt ex verbis Scripturae et constitutionibus Caesarum et piis exemplis, in quibus proponitur forma veri matrimonii. Gen. 2 [:23] clara sunt verba de matrimonii forma. Sic Gen. 24. in historia

[Formal Cause:] Whether there is matrimony, is decided from the word of God, reason, and the laws. What it may be is explained from the causes, which we also seek with a set method of reflection on the word of God, natural law,[2] on Ethics, and on the written law. In accidents, let us first consider the form. Therefore, the formal cause of matrimony is a proper union [*coniunctio*] that is indissoluble. These parts are to be explicated from the words of Scripture and the decisions of the Emperors and pious examples in which the form of true matrimony is put

[1] A word with a semantic range spanning those of the English words oath, decision, right, duty, and even law, however the use of the last is confusing in light of the presence of *lex* in other areas of this work. The term *ius* has been left untranslated for the greatest clarity.

[2] Natural law in Luther is the set of principles written on the heart of man which can be understood through the use of reason. However, after the Fall reason is corrupted which means that while man attempts to employ the Golden Rule, he erroneously tries to transform his neighbor into himself so that he may then be loved. See Logia Vol. 29, No. 1 (Epiphany 2020) which is an entire issue dedicated to the topic of natural law. Related also to the use of natural law in Luther's mind is *epieikeia*, often translated as "equity," which is required when executing justice due to the positive law's generic character. Luther's understanding of this term may be found in his lectures on Titus 3:2 (AE 29, 74-76).

Rebeccae et apud iureconsultos. Ea coniunctio tum est legitima, si fiat consensu sponsi et sponsae approbantibus id parentibus secundum legem DEI et Caesaris. Item testimonia publica eorum, qui interfuerunt contractui. Item, quibus verbis, signis, arrhis consensus sit significatus. Item, qua solennitate ista copulatio sit qualificata et consummata. Hic se aperiet magnus campus dicendi, si quis definiat hanc particulam definitionis, formam scilicet, et, ut aequum est, singula sua dicta legibus et exemplis confirmet.

forth. The words of Gen 2 [:23] are clear concerning the form of matrimony. So is Gen. 24 in the account of Rebecca, and in the writings of jurists. This union then is proper, if it happens with the consensus of bridegroom and bride, and with parental endorsement according to the law of God and the Emperor.[3] Likewise there is the public testimony of them, who were part of the contract. Still also, with which words, signs, and gifts the consensus may be signified. And also, with which ritual the union may be qualified and consummated. Here a great field of talking will reveal itself; if someone should define this part of the definition, that is, the form, he would also, as is fair, support each of his declarations with laws and examples.

Nam quaestionem "An sit" et "Quid sit" sequitur quaestio "An sit illud". Nam non dicendum et ponendum est aliquid, sed etiam probandum seu confirmandum. Sed cum coniunctio sit inter plures, igitur etiam quaerendum est subiectum seu "materia, in qua" possit fieri coniunctio.

[Material Cause:] For after the questioning "Could there be matrimony?" and "What may it be?" comes the question "Could it be the very thing?"[4] For something must not [just] be spoken of or posited, but is also tested or confirmed. But since a union is between more [than one], one must search for the subject, or "the material in which" the union is able to occur.

"Materia, in qua" sunt duae personae, unus masculus et una foemina. Haec ex verbo DEI et legibus ponuntur et confirmantur. Et haec materia multis disputationibus explicanda, videlicet eas duas personas et per aetatem et per valetudinem aptas debere esse ad matrimonium. Nam homo dicitur de absoluto homine et apto ad matrimonium. Item, ut sint liberae personae nec obstet cognatio aut affinitas et ut reverentiae sanguinis et publicae honestatis habeatur ratio. De quibus prudenter pronuntiant viri boni et theologi et iureconsulti. Nam masculus et foemina sumuntur in hac definitione pro talibus personis, in quibus nullum est impedimentum.

"The material in which" is two people, one male, and one female. These are set down and confirmed from the word of God and the laws. And this material is to be sorted out in many disputations, namely, that the two people ought to be fit for matrimony by both age and good health. For 'man' is said about a complete human and one fit for matrimony.[5] Likewise, they should be unimpeded people, nor should blood relation or affinity hinder them, so that regard may be had for respect for blood and public honor. About which honorable men, both theologians and jurists, do reasonably declare. For male and female are assumed in this definition to be such people in which there is no impediment.

Causa efficiens: Pro honestate et consolatione matrimonii de causa principali dicitur DEUM ordinasse, benedixisse, fovere, tueri hunc statum, in eo agnosci, quod DEUS castus, item perspici in honorabili thoro, qui sit amor Filii DEI in suam sponsam. Nam minus principales causae

The Efficient Cause: For the honor and confirmation of matrimony it is said about the principle cause that God has ordained and blessed, cherishes and upholds this status, that in it it is realized that God is chaste; likewise it is seen in the honorable bed how the love of the Son of God is for his

[3] Luther often emphasized that all, both parents and children, ought to be on the same page prior to the oath of matrimony. This was to be done out of Christian love: affectionate and flexible parental care for the child's decision as well as dutiful and flexible filial love for the parents' intentional selection of a spouse. In this, Luther says, love will create harmony and destroy all of the dissent caused by secret and forced engagements.

[4] That is could a particular case be matrimony.

[5] Probably a comment on impotency rather than the betrothal of children. Luther in his *Estate of Marriage* made impotency grounds for divorce.

dicuntur ab aliquibus consensus, qui facit matrimonium, si fiat legitimo modo. Qui si semel secundum leges et honestatem adfuit, effecit verum matrimonium, etiamsi postea fiat dissensio animorum seu voluntatum inter coniuges. Nam coniunctio et ius matrimonii manet per totam vitam indissolubiliter, nisi adulterium aut malitiosa desertio aut mors aut parricidium interveniat. Hae causae frangunt coniunctionem, extra has causas dissensus non tollit matrimonium. Ut enim, quod semel placuit, sic in quo semel consenserunt duo legitimo modo, id semper placere debet. Huc pertinet etiam celebrata solennitas, item copula, quae per se non facit matrimonium, sed confirmat et stabilit.

spouse. On the other hand, the lesser principal causes are said to be consensus by some, which creates matrimony, if done in a proper way. If it is present once according to the laws and honor, true matrimony is effected, even if later on a disagreement of the soul or wills happens between the yoked pair. For a union and the *ius* of matrimony remain indissolubly throughout the whole life, unless adultery or villainous desertion or death, or treason intervene. These causes break the union; disagreement outside of these causes does not destroy matrimony. For as the saying goes, what once pleased, (such as when two [people] have given consent once in a proper way) ought to always please. To this also pertains the ritual celebration and likewise the copulation, which do not make matrimony *per se*, but confirm and strengthen it.

Causa finales: Procreatio prolis. Etiamsi autem matrimonium non semper hunc finem attingit, tamen stantibus formalibus legitimis consistit matrimonium; sunt enim et alii fines, ut scortatio vitetur. Senibus igitur contra etiam legem veterem Papiam matrimonium interdici non potest, quia matrimonium est legis obsequium et humanitatis solatium et contra vagas libidines seu potius cogitationes remedium.

The Final Cause: The begetting of descendants. However, even if matrimony does not always achieve this aim, nevertheless matrimony consists while the proper forms remain; for there are also other aims: so that one avoids debauchery. Therefore matrimony for the old cannot be forbidden, in conflict with even the old law of Papia, because matrimony is the law's consideration and humanity's comfort and a remedy against the roving passions or rather cogitations.

Sunt et alii theologici fines: Ut castus DEUS in casto coniugio agnoscatur et invocetur bona conscientia et ex mundo corde. Item, ut mysterium de sponso Filio DEI et Hefziba ipsius vel Ecclesia in honorabili thoro et in suavissimis storgis et mutuo amore coniugii agnoscatur.

There are other theological aims: so that a chaste God may be recognized in a chaste union and invoked by a good conscience and from a clean heart. Likewise, so that the mystery of the Bridegroom, the Son of God, and Hephzibah, or the Church, [Isa. 62:4] would be recognized in an honorable bed and in both pleasant στοργή [affection] and mutual love.